

REMARKS

Claims 1-2, 4-6, 13-14 and 17-18 are pending in the application. Claims 3, 7-12, 15-16 and 19-22 have been canceled. Reconsideration is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 1-2, 4-6, 13-14 and 17-18 were rejected under 35 U.S.C. Section 102(e) and (b) as being anticipated by non-patent literature in the website of www.valottery.com (hereinafter valottery). Applicants respectfully traverse the rejection.

Applicants submit that the valottery document provided in the Office Action describing the website for VA lottery has a copyright date of 2009. Although the VA lottery may have had a website prior to the copyrighted date provided on the valottery document, the Office Action fail to provide any documents that represented the VA lottery website before the filing date of the present application. It is highly unlikely that the valottery document provided in the Office Action reflected the state of the VA lottery website prior to the filing date of the present application given that the state of the Internet constantly changes and that the functions provided on Internet websites even five years ago (which is later then the filing date of the present application) were not as robust as those provided in 2009 and reflected in the valottery document provided in the Office.

The only date provided on the valottery document provided in the Office Action is the copyrighted date of 2009, which is significantly later than the filing date of the present application. Therefore, Applicants submit that the cited document is not a valid prior art reference under 35 U.S.C. Section 102(e) and/or (b) and Applicants respectfully request that this rejection under 35 U.S.C. Section 102(e) and (b) be withdrawn.

Disclaimer

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

CONCLUSION

In view of the above, consideration and allowance are respectfully solicited.

In the event the Examiner believes an interview might serve in any way to advance the prosecution of this application, the undersigned is available at the telephone number noted below.

The Office is authorized to charge any necessary fees to Deposit Account No. 22-0185.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22051-00002-US1 from which the undersigned is authorized to draw.

Dated: October 26, 2009

Respectfully submitted,

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